MINUTES

OF THE

NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD

DATE: November 19, 2009

TIME: 9:00 am

PLACE: Holiday Inn

Raleigh, North Carolina

SUBMITTED BY: Terry Wright

Director

MEMBERS PRESENT: MEMBERS ABSENT:

Brad Smith Richard Lee

Doc Hoggard Mack Donaldson Courtney Brown Larry McClellan

STAFF PRESENT:

Director Terry Wright Board Secretary Nan Williams

Deputy Director Anthony Bonapart Training Officer Tim Pressley

Attorney Charles McDarris Field Services Supervisor Larry Liggins

VISITORS

Brad Smith Larry McClellan Robert Lucas Michael G. Cole James W. Daniels Dawn High Saverio J. Sala David L. Harmon

Charles Shipman Donald K. Autry
David B. Kidder Clyde A. Mowery
Christopher Curry John Thompson

Pat Thompson Pete J. Willie

William Baker Joshua G. Myers

Lonn Wylie Hernan Garcia
Joseph McGee Kathy Chattey

Ralph Gregory Shawn McIlroy

Kevin Buell John McDonald Johnnie Carter **Quay Hissong** Jason Soles Grover C. Barfield Farl Bunn Kyle Burger Mark Mastels Chris Bullock Michael Smith Michael DeFrank Homer Weaver Julia Wicker Jon Carnes Jason McLeod Joey McLeod Jacqueline Slater

Jennifer Rebon Thomas Smith

Christopher Novlong Melissa Honeycutt

Rockie Goeller Derrick McKinnon
Robert Ruta James Meyer
Malcolm Burchett Denise Martin

CALL TO ORDER

9:00 am. The November 19, 2009 meeting of the North Carolina Alarm Systems Licensing Board was called to order by Chairman Smith.

In accordance with the State Ethics Law, Attorney Charles McDarris read the following information. "It is the duty of every Board member to avoid both conflicts of interest and appearances of conflict. If any member has any known conflict of interest or appearance of conflict with respect to any matters coming to this Board today, please identify the conflict or appearance of conflict and refrain from any deliberation and vote in that particular matter."

Mr. Smith welcome guests.

MR. MCCLELLAN MADE A MOTION TO APPROVE THE MINUTES OF THE SEPTEMBER 18, 2009 BOARD MEETING. SECONDED BY MR. HOGGARD. MOTION CARRIED.

MR. DONALDSON MADE A MOTION TO APPROVE THE MINUTES OF THE OCTOBER 8, 2009 SPECIAL MEETING. SECONDED BY MR. HOGGARD. MOTION CARRIED.

MR. BROWN MADE A MOTION TO APPROVE THE SCREENING COMMITTEE REPORT AS PRESENTED. SECONDED BY MR. MCCLELLAN. MOTION CARRIED.

MR. DONALDSON MADE A MOTION TO APPROVE THE REGISTRATION REPORT AS PRESENTED. SECONDED BY MR. HOGGARD. MOTION CARRIED.

Mr. Smith reported that he and Mr. Donaldson met as the Grievance Committee on November 18, 2009 from 1:20 pm to 3:55 pm. The following individuals were present: Rich DiBella, Adam Christian, Jon Felton, Pamela McLean, Mark Pecker, David Taylor, Robert Chadwick, Cornelius Williams, Paul Tingrath, and Joe Williams.

MR. HOGGARD MADE A MOTION TO APPROVE THE GRIEVANCE COMMITTEE REPORT AS PRESENTED. SECONDED BY MR. BROWN. MOTION CARRIED.

The matter of AlarmForce and Qualifying Agent Homer Weaver was presented to the Board in regards to the Board's review and acceptance of Alarm Force's Settlement Agreement.

MR. BROWN MADE A MOTION TO ACCEPT THE SETTLEMENT AGREEMENT AS PRESENTED. SECONDED BY MR. HOGGARD. MOTION CARRIED.

Mr. McDarris removed himself as counsel to the Board to present two final agency decisions:

TIMOTHY MARK MASTERS - 09 DOJ 3037. This case was heard by Administrative Law Judge Fred G. Morrison, Jr., on July 28, 2009. The issue before the Judge was the denial of an alarm registration permit for lack of good moral character and temperate habits. Mr. Masters was present.

MR. BROWN MADE A MOTION TO APPROVE THE ALARM REGISTRATION PERMIT FOR MR. MASTERS. SECONDED BY MR. MCCLELLAN. MOTION CARRIED.

ROSS PATTON GILMORE -09 DOJ 2452. This case was heard by Administrative Law Judge Fred G. Morrison, Jr., on April 28, 2009. The issue before the Judge was the denial of an alarm registration permit for lack of good moral character and temperate habits. Mr. Gilmore was present.

MR. DONALDSON MADE A MOTION TO APPROVE THE ALARM REGISTRATION PERMIT FOR MR. GILMORE. SECONDED BY MR. BROWN. MOTION CARRIED.

MR. HOGGARD MADE A MOTION TO REQUEST THE STAFF TO CONDUCT A THREE YEAR AUDIT ON THE COMPANY, CUSTOM SECURITY, INC., AND INVESTIGATE THE ACTIONS OF ONE OF THEIR EMPLOYEES, DEBRA RICHARDS IN REGARD TO THE REGISTRATION APPLICATION OF MR. GILMORE AND THEN PRESENT THIS MATTER TO THE GRIEVANCE COMMITTEE AT A FUTURE MEETING. SECONDED BY MR. BROWN. MOTION CARRIED.

MR. HOGGARD MADE A MOTION TO REMAND THE OFFICIAL RECORD IN THIS MATTER TO THE OFFICE OF ADMINISTRATIVE HEARINGS AND TO ATTACH THE EXHIBITS IN SECTION 5 OF THIS FINAL AGENCY DECISION. SECONDED BY MR DONALDSON. MOTION CARRIED.

SPECIAL REPORTS AND PRESENTATIONS

Mr. Smith presented the Continuing Education Sub-committee report.

- 1. AVS The committee recommends approval for 2 CEU's.
- 2. VSS Fundamentals Series The committee recommends approval for 3 CEU's.

BREAK: 10:10 am RECONVENED: 10:25 am

UNFINISHED BUSINESS

None

OLD BUSINESS

None

NEW BUSINESS

Mr. Hoggard would like to confer with the attorney on a matter.

MR. BROWN MADE A MOTION TO GO INTO CLOSED SESSION PER G.S. 143-318.11(a)(3). SECONDED BY MR. DONALDSON. MOTION CARRIED.

CLOSED SESSION: 10:30 am RECONVENED: 10:35 am

Mr. Smith stated there was a brief discussion on a personnel matter and no further action was taken at this time.

DIRECTOR'S REPORT

Mr. Wright presented the written report and advised that as of October 1, 2009, the combined budget balance was \$385,400.93. The Education Fund balance was \$36,908.51. As of November 17, 2009, the Board has 884 licensees and 4,589 registrants.

MR. BROWN MADE A MOTION TO ACCEPT THE DIRECTOR'S REPORT AS PRESENTED. SECONDED BY MR. HOGGARD. MOTION CARRIED.

ATTORNEY'S REPORT

Mr. McDarris reported on the following consent agreements:

- 1. William T. Wrenn \$4,569.60 has been paid.
- 2. Rebecca L. McIntosh \$2,856.00 is making her monthly payments in the amount of \$952.00.
- 3. Keith A. Greene \$3712.80 has been paid.
- 4. Michael Littleton \$1,948.40 4 equal payments of \$489.60 beginning December 1, 2009.

- 5. Stephen Wheeler \$5875.20 has been paid.
- 6. Michael Roberson \$2856.00 due in full before his license is issued.
- 7. Jason Scheewe \$2856.00 due in full before his license is issued plus pass Level I Course and have a NC Electrical License.
- 8. Joseph Talley \$1,428.00 due in full before his license is issued plus have a NC Electrical License.
- 9. Linsey Ayers \$1,428.00 2 equal payments of \$714.00 beginning November 1, 2009 before license is issued.

Mr. McDarris stated that the Office of Administrative Hearings may require an appeal fee of \$20.00 to be charged to petitioners for filing an appeal.

Mr. McDarris presented 12 NCAC 11 .0203 and 12 NCAC 11 .0302. A Public Hearing was held regarding the proposed rules and there were no comments.

MR. BROWN MADE A MOTION TO APPROVE THE PROPOSED RULE FEES, 12 NCAC 11.0203 AND 12 NCAC 11 .0302. SECONDED BY MR. MCCLELLAN. MOTION CARRIED.

Mr. McDarris stated that he and the staff have been working on the Request for Information which has been published. This is for a third party vendor to supply out of state on-line criminal record checks.

Mr. McDarris presented the Board with the following proposed rules:

MR. HOGGARD MADE A MOTION TO SEND AND AMEND 12 NCAC 11 .0204 AND 12 NCAC 11 .0306 TO INCLUDE PROVISIONS TO GRANT AN EXTENSION OF TIME TO ACTIVE MILITARY PERSONNEL WHO FILE A TAX RETURN TO STATE THEY ARE GRANTED THAT SAME EXTENSION OF TIME TO PAY THE REGISTRATION RENEWAL FEE OR THE LICENSING RENEWAL FEE, AND TO COMPLETE THE CONTINUING EDUCATION REQUIREMENTS. SECONDED BY MR DONALDSON. MOTION CARRIED.

MR. HOGGARD MADE A MOTION TO AMEND AND SEND TO RULES REVIEW RULE 12 NCAC 11.0503 BY ADDING THE LANGUAGE THAT THE BOARD WILL NOT BE CHARGED ANY COSTS IN REGARD TO ACCESSING CODES TO REVIEW ON-LINE COURSES AND ANY ASSOCIATED TEST. SECONDED BY MR. BROWN. MOTION CARRIED.

Mr. McDarris submitted a proposed rule to the Board in regard to employees of a company displaying/wearing a name tag affixed on their outer garments showing their personal name and company name. This would help identify an employee that indicates or tends to indicate that he or she is employed, associated with, or authorized to conduct any alarm business for any company other than that company under which the license or registration was obtained or which indicates or tends to indicate that the individual or his employing company is an authorized dealer for another company. The Board decided to bring this matter back for more discussion.

Mr. McDarris submitted a proposed rule to the Board regarding whether the Board will allow experience credit for unlicensed activity. Mr. McDarris stated that the PPS Board has a rule that does not consider any experience claimed by the applicant if gained by contracting private protective services to another person,

firm, association, or corporation while not in possession of a valid private protective services license; or, gained when employed with a company contracting private protective services to another person, firm, association, or corporation while the company is not in possession of a valid private protective services license.

MR. HOGGARD MADE A MOTION FOR THE ATTORNEY TO DRAFT A PROPOSED RULE USING THE SAME LANGUAGE AS THE PPS BOARD RULE FOR UNLICENSED ACTIVITY TO PROVE EXPERIENCE. SECONDED BY MR. BROWN. MOTION CARRIED.

The Board decided to discuss and review proposed by-laws for the board members at the next meeting.

Mr. McDarris reported that the General Assembly adopted a rule that states within six months of a board member's initial appointment to the board, and at least once within every two calendar years thereafter, a board member shall receive training, either from the board's staff, including its legal advisor, or from an outside educational institution such as the School of Government at the University of North Carolina. The training will cover the statutes governing the board and rules adopted by the board, as well as state laws. This rule became effective on October 1, 2009.

MR. BROWN APPROVED THE ATTORNEY'S REPORT AS PRESENTED. SECONDED BY MR. DONALDSON. MOTION CARRIED.

GOOD OF THE ORDER

Mr. Brown wished everyone a happy holiday season. Mr. Hoggard stated that there has been good attendance at the meetings but some individuals are having trouble hearing the members during the meeting. Director Wright stated that the staff has additional speakers that can be used to improve the sound and the staff will begin bringing this additional equipment at the next meeting.

MR. DONALDSON MADE A MOTION TO ADJOURN. SECONDED BY MR. BROWN. MOTION CARRIED.

Meeting Adjourned: 11:25 am

Terry Wright
Director

Nan Williams

Reporter